


STATEMENT OF SMALL CLAIM AND NOTICE OF TRIAL		Court Use Only.	DOCKET NO. 0447 SC 0077	Trial Court of Massachusetts Small Claims Session		
PART 1	<input type="checkbox"/> BOSTON MUNICIPAL COURT	<input type="checkbox"/> DISTRICT COURT Concord	Division		<input type="checkbox"/> HOUSING COURT Division	
PART 2	PLAINTIFF'S NAME, ADDRESS, ZIP CODE AND PHONE Daniel Ferullo (Hit + Run Sports + Games) 523 Lowell St Lexington, MA 02420 PHONE NO: 781-862-5254			PLAINTIFF'S ATTORNEY (if any) Address: PHONE NO: BBO NO: 72638000101/28/04SM CLAIMS 30.00 72638000101/28/04CT CLAIMS 10.00		
PART 3	DEFENDANT'S NAME, ADDRESS, ZIP CODE AND PHONE United States Postal Service PO Box 80141 Saint Louis, MO 63180-0141 PHONE NO: 1888 601 9328			ADDITIONAL DEFENDANT (if any) Name: Address: PHONE NO:		
PART 4	PLAINTIFF'S CLAIM. The defendant owes \$ <u>1374.40</u> plus \$ <u>40</u> court costs for the following reasons: Give the date of the event that is the basis of your claim. <u>Cvd 205 846 (90) (Cvd 205 846 186)</u> <u>On 9/16/03 I sent 2 packages containing 51x Mitchell & Ness Authentic throwback Jerseys to an apartment building which may have hundreds of apartments, addressed to Frank Small 204, Washington St Apt # 203 Lynn, Ma 09102. At First the post office said they were delivered and then said they were picked up at the post office. The Post office gave the packages to someone other than the addressee (Troy Sutson) not Frank Small. The Charge card company took the money back so I am out the money and the merchandise. The post office is responsible</u> SIGNATURE OF PLAINTIFF X <u>Daniel Ferullo</u> DATE <u>1/1/04</u>					
PART 5	MEDIATION: Mediation of this claim may be available prior to trial if both parties agree to discuss the matter with a mediator, who will assist the parties in trying to resolve the dispute on mutually agreed to terms. The plaintiff must notify the court if he or she desires mediation; the defendant may consent to mediation on the trial date. <input type="checkbox"/> The plaintiff is willing to attempt to settle this claim through court mediation.					
PART 6	MILITARY AFFIDAVIT: The plaintiff states under the pains and penalties of perjury that the: <input type="checkbox"/> above defendant(s) is (are) not serving in the military and at present live(s) or work(s) at the above address. <input type="checkbox"/> above defendant(s) is (are) serving in the military X _____ SIGNATURE OF PLAINTIFF DATE					
NOTICE OF TRIAL	NOTICE TO DEFENDANT: You are being sued in Small Claims Court by the above named plaintiff. You are directed to appear for trial of this claim on the date and time noted to the right. If you wish to settle this claim before the trial date, you should contact the plaintiff or the plaintiff's attorney. SEE ADDITIONAL INSTRUCTIONS ON THE BACK OF THIS FORM			NAME AND ADDRESS OF COURT Concord District Court 305 Walden St Concord, Ma 01742 978-369-0500 x631 DATE AND TIME OF TRIAL <u>3/23/04</u> <u>9:00 a.m.</u> DATE AT TIME ROOM NO.		COURT USE ONLY BOTH THE PLAINTIFF AND THE DEFENDANT MUST APPEAR AT THIS COURT ON THE DATE AND TIME SPECIFIED
FIRST JUSTICE Robert J McKenna, Jr		CLERK-MAGISTRATE OR DESIGNEE Ann T Colicchio				

INSTRUCTIONS FOR FILING A SMALL CLAIM — You must complete Parts 1-6 of this form. See instructions on reverse.

**STATEMENT OF SMALL CLAIM
AND NOTICE OF TRIAL**For Court
Use Only.

DOCKET NO.

0447 SC 0076

T Court of Massachusetts
Small Claims SessionPART
1☐ BOSTON MUNICIPAL
COURT☐ DISTRICT COURT
Concord

Division

☐ HOUSING COURT

Division

PART
2

PLAINTIFF'S NAME, ADDRESS, ZIP CODE AND PHONE

Daniel Ferullo (Hit & Run Sports and Games)

PLAINTIFF'S ATTORNEY (if any)

523 Lowell St

Address:

Lexington, MA 02420

PHONE NO: 781-862-5254

PHONE NO:

DEFENDANT'S NAME, ADDRESS, ZIP CODE AND PHONE

United States Post Office

ADDITIONAL DEFENDANT (if any)

PO Box 80141

Name:

Saint Louis, MD 63180-0141

Address:

PHONE NO: 1888-601-9328

PHONE NO:

PART
4**PLAINTIFF'S CLAIM.** The defendant owes \$ 358.70 plus \$ 30 court costs for the following reasons:
Give the date of the event that is the basis of your claim.

I Shipped a 1945 Mitchell & Ness Pirates jacket to Alton M. Fari
2990 Brighton 12th St Apt 1-D Brooklyn NY 11235 on 10/24/03.
Alton said he didn't received the jacket. The post office
said they delivered it but nobody signed for the item, but
they gave the item to somebody other than Alton. I
am out the jacket and money. Post office is responsible.

SIGNATURE OF PLAINTIFF X

Daniel Ferullo

DATE 1/1/04

PART
5**MEDIATION:** Mediation of this claim may be available prior to trial if both parties agree to discuss the matter with a mediator, who will assist the parties in trying to resolve the dispute on mutually agreed to terms. The plaintiff must notify the court if he or she desires mediation; the defendant may consent to mediation on the trial date.☐ The plaintiff is willing to attempt to settle this claim through court mediation.PART
6**MILITARY AFFIDAVIT:** The plaintiff states under the pains and penalties of perjury that the:☐ above defendant(s) is (are) not serving in
the military and at present live(s) or work(s)
at the above address.☐ above defendant(s) is (are) serving in
the military

X

SIGNATURE OF PLAINTIFF

DATE

NOTICE OF TRIAL

NOTICE TO DEFENDANT:

You are being sued in Small Claims Court by the above
named plaintiff. You are directed to appear for trial of this
claim on the date and time noted to the right.

If you wish to settle this claim before the trial date, you
should contact the plaintiff or the plaintiff's attorney.

SEE ADDITIONAL INSTRUCTIONS ON THE BACK OF THIS FORM

NAME AND ADDRESS OF COURT

Concord District Court
305 Walden St
Concord, Ma 01742
978-369-0500 x631

DATE AND TIME OF TRIAL

3/23/04

9:00 a.m.

DATE

AT

TIME

ROOM NO.

BOTH THE
PLAINTIFF
AND THE
DEFENDANT
MUST
APPEAR AT
THIS COURT
ON THE
DATE AND
TIME
SPECIFIED

COURT USE ONLY

FIRST JUSTICE

Robert J McKenna, Jr

CLERK-MAGISTRATE OR DESIGNEE

Ann T Colicchio

INSTRUCTIONS FOR FILING A SMALL CLAIM — You must complete Parts 1-6 of this form. See instructions on reverse.

STATEMENT OF SMALL CLAIM
AND NOTICE OF TRIALDOCKET NO.
0447 SC 0078Trial Court of Massachusetts
Small Claims Session

PART 1	<input type="checkbox"/> BOSTON MUNICIPAL COURT	<input type="checkbox"/> DISTRICT COURT Concord	<input type="checkbox"/> HOUSING COURT Division
PART 2	PLAINTIFF'S NAME, ADDRESS, ZIP CODE AND PHONE Daniel Ferello (Hit & Run Sports and Games) 523 Lowell St Lexington MA 02420 PHONE NO: 781 862-5254		PLAINTIFF'S ATTORNEY (if any) Name: _____ Address: _____ PHONE NO: _____
PART 3	DEFENDANT'S NAME, ADDRESS, ZIP CODE AND PHONE United States Postal Service PO Box 80141 Saint Louis, MO 63180-0141 PHONE NO: 1888 601 9328		ADDITIONAL DEFENDANT (if any) Name: _____ Address: _____ PHONE NO: _____
PART 4	PLAINTIFF'S CLAIM. The defendant owes \$ <u>1214.40</u> plus \$ <u>40</u> court costs for the following reasons: Give the date of the event that is the basis of your claim. On 9/16/03 I sent 2 packages containing 5 Mitchell & Ness Authentic Throwback Jerseys to Frank Small 204 Washington St Apt #203 Lynn Ma 09102. Purchased with a credit card. First the post office said they were delivered and then said they were picked up at the post office. The Post Office gave the packages to some one other than the addressee (Troy Putson) not Frank Small. The charge card company took the money back so I'm out the money and merchandise. This incident has been filled with the Lexington Police and Lynn Police as a fraud case. The Post Office is responsible. SIGNATURE OF PLAINTIFF <u>Daniel Ferello</u> DATE <u>1/1/04</u>		
PART 5	MEDIATION: Mediation of this claim may be available prior to trial if both parties agree to discuss the matter with a mediator, who will assist the parties in trying to resolve the dispute on mutually agreed to terms. The plaintiff must notify the court if he or she desires mediation; the defendant may consent to mediation on the trial date. <input type="checkbox"/> The plaintiff is willing to attempt to settle this claim through court mediation.		
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	FIRST JUSTICE Robert J McKenna, Jr	CLERK-MAGISTRATE OR DESIGNEE Ann I Colicchio	BOTH THE PLAINTIFF AND THE DEFENDANT MUST APPEAR AT THIS COURT ON THE DATE AND TIME SPECIFIED COURT USE ONLY

INSTRUCTIONS FOR FILING A SMALL CLAIM — You must complete Parts 1-6 of this form. See instructions on reverse.

COMMONWEALTH OF MASSACHUSETTS
DISTRICT COURTS OF MASSACHUSETTS

Middlesex, SS

Concord Division
Small Claims Session

DANIEL FERULLO d/b/a
HIT & RUN SPORTS & GAMES

v.

U.S. POSTAL OFFICE,
P.O. BOX 90141,
SAINT LOUIS, MISSOURI

Docket Nos. 0447 SC 0076
0447 SC 0077
0447 SC 0078

**NOTICE OF HEARING ON DEFENDANT'S MOTION TO REMOVE DEFAULT AND
FOR LEAVE TO PROCEED WITH REMOVAL OF ACTION TO FEDERAL DISTRICT
COURT**

The defendant, United States Postal Service (hereafter, the "USPS"), hereby gives notice to this honorable Court and to the plaintiff of the defendant USPS' intention to mark up its previously filed *Motion to Remove Default and for Leave to Proceed with Removal of Action to Federal District Court* (filed April 14, 2004), for **hearing on Tuesday, May 11, 2004, at 9:00a.m.**

Respectfully submitted,
UNITED STATES POSTAL SERVICE,

By its attorney,
MICHAEL J. SULLIVAN
United States Attorney

By:

Gina Walcott-Torres
Gina Y. Walcott-Torres
Assistant U.S. Attorney
John Joseph Moakley U.S. Courthouse
1 Courthouse Way, Suite 9200
Boston, MA 02210
(617) 748-3369
BBO No. 565787

CERTIFICATE OF SERVICE

This is to certify that I have this 20th day of April 2004, served upon the person listed below a copy of the foregoing document by depositing in the United States mail a copy of same in an envelope bearing sufficient postage for delivery:

Daniel Ferullo (d/b/a Hit & Run Sports and Games), *pro se*, 523 Lowell Street,
Lexington, MA 02420

Gina Y. Walcott-Torres
Gina Y. Walcott-Torres
Assistant United States Attorney